IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15835 of 2003

Between:

Md.Safeeq Ahmed s/o Late C.Abdur Rasheed
R/o H.No.5-19A-A., Ranga Raja Street., Kurnool., Kurnool District.

..... PETITIONER

AND

1 The Correspondent., Umar Arabic High School., Kurnool., Kurnool District
2 The District Educational Officer., Kurnool District., Kurnool.
3 The District Collector., Kurnool District., Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of Writ of Mandamus to declare the action of the respondents in not providing compassionate appointment to the petitioner as per Rules and rejection orders dated 3-10-2000 of the Ist respondent issuing notification dated 12-7-2003 for filling up of the vacancies as illegal, arbitrary, discriminatory and violative of Articles 14,16 and 21 of Constitution of India and consequently direct the respondents to provide compassionate appointment to the petitioner and appoint him as a Record Assistant or any equivalent post forthwith in accordance with Rules by suspending the orders dated 3-10-2000 either in the first respondent Institution or in any other office.

Counsel for the Petitioner : MR. POODATTU AMARENDER

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.15835 OF 2003

ORAL ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not providing the compassionate appointment to the petitioner and on the other hand issuing notification dated 12-07-2003 for filling up the vacancies as arbitrary and illegal.

The father of the petitioner by name C.Abdur Rasheed was working as Junior Assistant in the first respondent – Umar Arabic High School. He expired on 16-01-2000 while in service. It is not in dispute that the petitioner herein is one of the sons of late C.Abdur Rasheed. After the death of the said C.Abdur Rasheed, Smt. Ameena Bi, the mother of the petitioner made a representation dated 20-09-2000 requesting the first respondent to appoint the petitioner as Record Assistant in the vacancy caused due to retirement of one Abdul Azeez on compassionate grounds. In pursuance thereof, the first respondent by letter dated 03-10-2000 informed the

mother of the petitioner that it is not possible to consider the request for compassionate appointment. The said decision is under challenge in this writ petition.

A counter-affidavit has been filed by the 1st respondent stating that the writ petition which was filed after more than three years from the date of impugned letter and particularly after a notification was issued by the 1st respondent on 12-07-2003, notifying the vacancy is misconceived and not bona fide and therefore liable to be dismissed in limine.

Having heard the learned Counsel for the petitioner and the learned Counsel appearing for the first respondent, I do not see any justifiable ground to hold that the impugned order of rejection dated 3-10-2000 is arbitrary or illegal. The law is well settled that consideration for employment on compassionate grounds is not a vested right and the same cannot be sought after a long lapse of time. In the case on hand, the father of the petitioner died on 16-1-2000 and the impugned order was passed on 3-10-2000, whereas this writ petition has been filed in July, 2003. There is absolutely no explanation for the long lapse of time.

In the circumstances, the matter does not warrant any interference by this Court and accordingly the Writ Petition is dismissed. No costs.

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08th December, 2004.

gbs

To

1 The Correspondent., Umar Arabic High School., Kurnool., Kurnool District
2 The District Educational Officer., Kurnool District., Kurnool.
3 The District Collector., Kurnool District., Kurnool.

4.2CCs to G. P. for School Education, High Court of AP Bldgs, Hyderabad (OUT).

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